

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ALABAMA STATE CONFERENCE OF THE
NAACP, *et al.*,

Plaintiffs,

v.

STEVE MARSHALL, in his official capacity
as Alabama Attorney General, *et al.*,

Defendants.

Civil Action No. 2:24-cv-420

**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN
SUPPORT OF DEFENDANTS' OPPOSITION TO A PRELIMINARY INJUNCTION**

The Republican National Committee and the Alabama Republican Party move for leave to file an *amicus curiae* brief in support of Defendants' opposition to the Plaintiffs' motion for a preliminary injunction. No party opposes this motion. No counsel for any party authored the brief in whole or in part, and no entity or person aside from *amici*, their members, or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

INTEREST OF PROPOSED AMICI

The Republican National Committee is a national committee under 52 U.S.C. §30101. It manages the Republican Party's business, coordinates election strategy, and supports Republican candidates nationwide. The Alabama Republican Party is a recognized political party that works to promote Republican values and assist Republican candidates in federal, state, and local races. In the upcoming November general election, Republican candidates will appear on the ballot throughout Alabama for local, state, and federal office.

ARGUMENT

“Although there is no formal rule governing the filing of *amicus curiae* briefs, district courts possess the inherent authority to grant or refuse leave to amicus parties.” *Ga. Aquarium, Inc v. Pritzker*, 135 F. Supp. 3d 1280, 1288 (N.D. Ga. 2015). “Courts typically grant amicus status where the parties contribute to the court’s understanding of the matter in question by proffering timely and useful information.” *Id.* at 1288-89 (citing *Harris v. Pernsley*, 820 F.2d 592, 603 (3d Cir. 1987)). The proposed brief satisfies that standard.

First, the brief is timely. Amici filed this motion and the attached brief the same day that Defendants responded to Plaintiffs’ preliminary injunction motion. Indeed, as their brief supports Defendants’ response, Amici could not have filed it any sooner. While neither the Federal Rules of Civil Procedure, nor the local rules of this Court address the timing of amicus briefs, the Federal Rules of Appellate Procedure allow amicus briefs to be filed within “7 days after the principal brief of the party being supported is filed.” Fed. R. App. P. 29(a)(6). Proposed Amici meet the analogous deadline, providing Plaintiffs with time to address their arguments in reply.

Second, the brief is useful. *Amici* and their counsel have extensive expertise in election law, election administration, and voting rights. They’ve filed dozens of amicus briefs in election-related cases across the country. And the RNC is a party in dozens of other election-related cases, some of which raise issues similar to those presented here. *See, e.g., VoteAmerica v. Raffensperger*, No. 1:21-cv-1390 (N.D. Ga.); *In re Ga. S.B. 202*, No. 1:21-mi-55555 (N.D. Ga.). The attached brief draws on that experience litigating these issues before the Eleventh Circuit and other courts. Specifically, the brief discusses federal cases across the country in which courts have rejected the Plaintiffs’ First Amendment arguments. The brief is “timely and useful.” *Ga. Aquarium*, 135 F. Supp. 3d at 1288. And no party opposes the motion for leave to file the brief.

CONCLUSION

The Court should grant the motion and accept the proposed brief, which is attached hereto as **Exhibit A**.

Respectfully submitted this the 7th day of June 2024.

/s/ Thomas L. Oliver III

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Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June 2024, I electronically filed the foregoing using the ECF System, which will send notification to everyone requiring service.

/s/ Thomas L. Oliver III

OF COUNSEL